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May 25, 2022

The Honorable Martha Williams
Director
U.S. Fish and Wildlife Service
1849 C Street NW
Washington, D.C. 20240

Dear Director Williams,

I write regarding the Fish and Wildlife Service's (Service) impending action to submit a 12-month finding assessment of the lesser-prairie chicken (LPC) under the Endangered Species Act (ESA). I understand that the Service has until May 26, 2022 to submit a final ruling on whether a listing of the LPC under the ESA is warranted, not warranted or warranted but precluded by other pending proposals. I have long maintained an active interest in the actions of the Service related to the LPC, and I am concerned that the Service does not have the most recent and scientifically advanced data on the LPC's population to make an informed decision. Therefore, I urge a 6-month extension on the Service's determination as to whether to list the LPC under the ESA to allow for the incorporation of the most recent population data into its assessment.

According to federal law, an extension is necessary when the Service is aware that there is "substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the [listing] determination..." Following the public comment period, it is clear substantial disagreements exist regarding the available data on the LPC population. Additionally, the Service is required by law to make a listing determination "based on the best scientific and commercial data available...after conducting a review of the status of the species and after taking into account those efforts...being made...to protect such species...." As the Service is aware, the Western Association of Fish and Wildlife Agencies (WAFWA) and industry partners have undertaken extensive and successful conservation efforts supporting the LPC and its habitat. These efforts include the ongoing collection of data essential to understanding LPC population size and trends.

WAFWA has determined that there are numerous gaps in genetics and geospatial data that need to be addressed to best inform regulatory decision-making. A modern, conservation genetics analysis has not been conducted for the LPC. This widely used application has maximized the validity of the ESA listing status and population designation for numerous other species, including the blue whale and the greater sage grouse. Additionally, the geospatial data on the LPC currently being used to inform policy-making is outdated, originating from 2013-2015. WAFWA is conducting research to fill these gaps, including an announcement on March 15, 2022 that it will conduct its annual Range-wide LPC aerial surveys to document population trends and determine how the LPC is responding to habitat management strategies. These surveys will fill gaps in geospatial data and better inform the Service as to the LPC's current population.

Up-to-date data is essential to understanding the effectiveness of current public-private partnerships to conserve the LPC. WAFWA and its industry partners have invested heavily in LPC conservation efforts,

including through the Candidate Conservation Agreement with Assurances (CCCA). The CCAA has yielded over 111 active industry partners contributing more than \$64 million invested in enrollment and mitigation fees and over 6 million acres enrolled in the partnership. These conservation efforts and investments have greatly benefited the species. According to a recent aerial survey, the LPC population has actually shown an increase of approximately 52 percent from 2013 to 2021. These conservation efforts need to be fully measured and understood before the Service makes a final determination as to the listing status of the LPC.

I share your interest and commitment to safeguarding our nation's natural resources. It is vital that the Service have the most recent and scientifically advanced data to make the best-informed decision possible prior to any determination of a listing, and I urge the Service extend its determination by 6-months. I look forward to engaging on this issue with you further. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "James M. Inhofe", is positioned above a horizontal line.

James M. Inhofe
United States Senator